

AMENDED IN ASSEMBLY JUNE 16, 2004
AMENDED IN SENATE JANUARY 15, 2004
AMENDED IN SENATE JANUARY 5, 2004
AMENDED IN SENATE APRIL 30, 2003
AMENDED IN SENATE APRIL 22, 2003
AMENDED IN SENATE MARCH 20, 2003

SENATE BILL

No. 58

**Introduced by Senators Johnson, Alpert, Battin, Florez, Knight,
McPherson, and Speier**

(Coauthors: Assembly Members Bates, Benoit, Campbell, Cogdill,
Daucher, Dutton, La Malfa, Longville, Maddox, Mountjoy,
Nakanishi, Pacheco, Plescia, Spitzer, Strickland, and Wyland)

January 15, 2003

An act to add Section 964 to the Penal Code, relating to police reports.

LEGISLATIVE COUNSEL'S DIGEST

SB 58, as amended, Johnson. Police reports: confidentiality.

Existing law provides Californians with a right of privacy. Existing law regulates the dissemination of personal information held by government agencies. Existing law exempts courts from the provisions of the California Public Records Act and permits a court to seal records and redact information from them.

This bill would ~~state the intent of the Legislature~~ *require the district attorney and the courts in each county to establish a mutually agreeable procedure, as specified*, to protect confidential personal information, as

defined, regarding any witness or victim contained in a police report, arrest report, or investigative report that is submitted to a court by a prosecutor in support of a criminal complaint, indictment, or information, or by a prosecutor or law enforcement officer in support of a search warrant or an arrest warrant.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to establish a~~
2 SECTION 1. Section 964 is added to the Penal Code, to read:
3 964. (a) In each county, the district attorney and the courts,
4 in consultation with any local law enforcement agencies that may
5 desire to provide information or other assistance, shall establish
6 a mutually agreeable procedure to protect confidential personal
7 information regarding any witness or victim contained in a police
8 report, arrest report, or investigative report that is submitted to a
9 court by a prosecutor in support of a criminal complaint,
10 indictment, or information, or by a prosecutor or law enforcement
11 officer in support of a search warrant or an arrest warrant. ~~For~~
12 (b) For purposes of this section, “confidential personal
13 information” includes ~~a~~, but is not limited to, an address,
14 telephone number, driver’s license or California Identification
15 Card number, social security number, date of birth, place of
16 employment, employee identification number, mother’s maiden
17 name, demand deposit account number, savings or checking
18 account number, or credit card number.
19 (c) (1) This section may not be construed to impair or affect the
20 provisions of Chapter 10 (commencing with Section 1054) of Title
21 6 of Part 2.
22 (2) This section may not be construed to impair or affect
23 procedures regarding informant disclosure provided by Sections
24 1040 to 1042, inclusive, of the Evidence Code, or as altering
25 procedures regarding sealed search warrant affidavits as provided
26 by *People v. Hobbs* (1994) 7 Cal.4th 948.
27 (3) This section shall not be construed to impair or affect a
28 criminal defense counsel’s access to unredacted reports otherwise
29 authorized by law, or the submission of documents in support of a
30 civil complaint.

1 (4) *This section applies as an exception to California Rule of*
2 *Court 243.1, as provided by paragraph (2) of subdivision (a) of*
3 *that rule.*

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